

---

---

LAW OFFICES  
**FALANGA & CHALKER**

---

---

Robert A. Falanga  
Ronald F. Chalker  
R. Alexander Falanga  
Kobelah Svensen Bennah

11200 Atlantis Place, Ste. C  
Alpharetta, Georgia 30022

Phone: (770) 955-0006  
(800) 564-0006  
Fax: (770) 955-2123

January 28, 2022

Mr. Steven J. Kaiser  
Cleary Gottlieb Steen & Hamilton LLP  
2122 Pennsylvania Avenue, NW  
Washington, DC 20037-3229

Re: *American Spirit et al. v. Varsity Brands et al. / Discovery*

Dear Mr. Kaiser:

We received your January 25<sup>th</sup> letter. With it, you indicated a concern that our recent subpoenas may have violated the Court’s June 1, 2021 Protective Order. (ECF No. 132.) In response, we encourage you to carefully re-read that order.

By doing so, you may be reminded that the June 1 Protective Order terminated with the Court’s October 28, 2021 Order. (ECF No. 141.) Indeed, on June 1 the Court ordered that “should the Moving Defendants’ motions to dismiss be denied in whole or in part, this protective order shall be terminated[.]” (ECF No. 132 at \*4.) Thereafter, on October 28<sup>th</sup> the Court denied in part the Moving Defendants’ motions to dismiss. (ECF No. 141.) Consequently, the Protective Order terminated. As such, the subpoenas comply.

Steven J. Kaiser  
January 28, 2022  
Page 2

Which brings us to another compliance reminder. As you probably know, the Defendants evidently failed to submit *any* documents previously redacted or withheld pursuant to the terminated Protective Order. More concerning, several Defendants have failed to submit *any* documents in response to our February 2021 requests *whatsoever* . . . . Your responses are *long* overdue.

Going forward, please advise within 5 days of this letter whether we can expect responses to our outstanding requests for production within 15 days of this letter. Indeed, if we receive your assurance of compliance, we can avoid troubling the Court with a motion to compel. Hopefully, the 12 months since February 2021 allowed you to make *some* preparation and progress.

Finally, regarding any “interference” with the Defendants’ relationships with their customers, please recall that the American Spirit Plaintiffs filed an *antitrust* complaint, sir; by definition, *all* antitrust plaintiffs aim to amend defendants’ relationships with their customers. Thus, we proceed vigorously and apace.

Sincerely yours,

LAW OFFICES  
FALANGA & CHALKER

/s/ Robert A. Falanga  
Robert A. Falanga  
Interim Lead Class Counsel

/s/ Kobelah Svensen Bennah  
Kobelah Svensen Bennah